

REMARKS

In the above-mentioned final Office Action and responsive to which this Amendment under 37 CFR 1.114 is submitted, all of the pending claims, claims 1-19, were rejected. Claims 1-4, 10-12, and 16-18 were rejected under Section 102(e) over Tsuda. Claims 5-7 were rejected under Section 103(a) over the combination of Tsuda and Davis. Claims 8-9 were rejected under Section 103(a) over the combination of Tsuda and Dohi. And, claims 13-15 and 19 were rejected under Section 103(a) over the combination of Tsuda and Hakkinen.

Additionally, objection was made to the drawings, for the use on pages 9 and 11 of the specification of both reference numeral 12 and reference numeral 14 to identify the mobile station.

Responsive to the rejections of the claims, independent claims 1 and 16 are amended as noted herein in manners believed further to recite more clearly the invention of the present application over the cited references, taken alone or in combination.

Support for the amendments to the claims is found in the specification, e.g., on page 10, lines 8-14.

In the final Office Action, the Examiner asserted that Tsuda teaches to stop communication when the fading of the communication signal is below a threshold and to resume normal communications when the signal has recovered. And, the Examiner stated that stopping communications while the signal is below a threshold is the same as not increasing the power level to overcome the fade.

The Applicant traverses the asserted equivalency. And, moreover, even assuming the equivalency to be valid, such asserted equivalency is not relevant to the recited invention.

Tsuda (see, e.g., abstract) pertains to detection of a receive signal at a mobile station. Responsive to the detection at the mobile station of the fading, generation of a call request or response at the mobile station is delayed until fading conditions improve.

In claim 1, as now recited, of the present invention, a determination at a receiving station detects fading upon the communication channel of a communication signal sent by a sending station. And, if the fading conditions are beyond a threshold, then a power controller at the receiving station operates to provide power control indications of levels that request subsequently-sent communication signals by the sending station not to be of increased power levels.

Note that there is no recitation in claim 1 of a request not to change the power levels of the power control indications.

For the Examiner's assertion to be relevant to the recited invention, the power controller would cause, or request that the power control indications themselves not to be of increased power levels. This is not the operation recited in claim 1 or analogous method claim 16.

In other words, Tsuda pertains to delay of a signal (call request or response) generated at the mobile station. Or, using the Examiner's asserted equivalency, Tsuda would pertain to not increasing the power level of the signal generated at the mobile station.

In contrast, in an analogous embodiment, i.e., when embodied at the mobile station, the goal is not to increase power levels of signals that are subsequently sent to the mobile station.

ATTORNEY DOCKET NO.
NC13800 (9021.074)

PATENT
Customer ID No. 30973

Accordingly, reliance upon Tsuda is believed to be misplaced. Claims 1 and 16, for these reasons, are believed to be patentably distinguishable over Tsuda. As the dependent claims include all of the limitations of the respective parent claims, these claims are also believed to be distinguishable over Tsuda, as well as any others of the references, in combination therewith for the same reasons as those given with respect to claims 1 and 16.


The amendment to the specification is believed to overcome the objection to the drawings. Namely, reference numeral 12 identifies the mobile station, and the specification has been amended to indicate such.

In light of the foregoing, independent claims 1 and 16, and the dependent claims dependent thereon, as now-amended, are believed to be in condition for allowance. Accordingly, re-examination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

Date: _____

11 July 03


Robert H. Kelly
Registration No. 33,922

Scheef & Stone, L.L.P.
5956 Sherry Lane
Suite 1400
Dallas, Texas 75225
(214) 706-4201